

**City of Fayetteville**  
**Regular Mayor and City Council Meeting**  
**Minutes**  
**June 1, 2006**

**Call to Order**

The Mayor and City Council of Fayetteville met in regular session on Thursday, June 1, 2006 at 7:00 p.m. in the Council Chambers at City Hall. Mayor Steele called the meeting to order, and led those attending in the Pledge of Allegiance to the Flag. Council members present were: Glenn Brewer, Larry Dell, Paul Oddo, Jr., Wilson Price and Walt White. Staff members present were City Manager Joe Morton and City Clerk Judy Stephens.

Dell moved to approve the minutes of the Regular Council Meeting of May 18, 2006. White seconded the motion. The motion carried unanimously.

**Recognition and Presentations:**

Mayor Steele read Proclamation, proclaiming June 9, 2006 as Sons of the American Revolution Day. Mayor Steele presented this Proclamation to John Tomme and several other members of the Sons of the American Revolution.

**Public Hearings:**

Mayor Steele called 2<sup>nd</sup> Reading on Proposed Ordinance #0-6-06 – Rezoning Request from Jerry Peterson to rezone 20.43 acres; property located in Land Lot 126 of the 5<sup>th</sup> District (Stone Property) from C-3 & R-40 to M-O (Medical Office)

Eldridge Gunn, Director of Planning and Zoning stated that after meeting with staff, the applicant has decided to substantially revise their concept plan that was submitted with this rezoning request. Because the concept plan is significantly different, the applicant is asking that the request be tabled to allow them to further work on the details. Therefore, in light of the revised conditions under which this project was originally proposed, staff respectfully asks that Council send this rezoning request back to the Planning & Zoning Commission for their consideration of the new concept plan.

White moved to table and send Proposed Ordinance #0-6-06 – Rezoning Request from Jerry Peterson to rezone 20.43 acres; property located in Land Lot 126 of the 5<sup>th</sup> District (Stone Property) from C-3 & R-40 to M-O (Medical Office) back to the Planning and Zoning Commission. Price seconded the motion. The motion carried unanimously.

Mayor Steele called Public Hearing on Proposed Ordinance #0-7-06 – Amendment to Parade Ordinance.

Steve Heaton, Police Chief stated, due to the number of requests for parades and other events which require an increase of services from the police department as well as other departments within the city, we have reviewed the current parade ordinance and have recommended several changes to the ordinance to cover routes and fees. In the request, please note that staff is recommending that the fee schedule and the parade routes be adopted by Resolution.

There were no public comments.

White moved to adopt Ordinance #0-7-06 – Amendment to Parade Ordinance. Price seconded the motion. The motion carried unanimously.

Mayor Steele called 2<sup>nd</sup> Reading on Proposed Ordinance #0-8-06 – Rezoning Request from Cam Williams to rezone 7.11 acres from C-3 Highway Commercial to O&I Office & Institutional, property located in Land lot 125 of the 5<sup>th</sup> District along Highway 54 West and Brandywine Blvd Extension.

Eldridge Gunn, Director of Planning and Zoning stated the applicant is requesting to rezone from C-3 to O&I so that two 31,000 square office buildings can be constructed for mixed office and retail use. The site is located on 7 acres behind the Southern Community Bank office building and the Brandywine Corners Retail Center. It is the second phase of development in this area and will have a shared drive with the aforementioned properties. The proposed structures will also be similar in construction to the Southern Community Bank Building.

The proposed buildings will front onto Brandywine Boulevard extension and will be served by a shared retention pond on the rear of the property. Vehicular circulation will allow cross access between the two buildings and landscaping will provide a thirty foot buffer between the buildings and adjacent residential properties. Total greenspace provided onsite will be 42%.

The proposed development consists of the construction of two mixed-use retail and medical office buildings; each 31,000 sq. ft. Both buildings will front onto Brandywine Boulevard. A retention pond serving both buildings will be located on the rear of the site.

The property south of the site is zoned Office & Institutional; across the street and west of the property is zoned C-3; north of the property is zoned residential, RMF-15, and south of the property is zoned C-3.

The Future Land-Use map calls for office development at the proposed site.

As a part of the applicant's rezoning request, Staff conducted a rezoning assessment and recommends approval of the zoning request because the request is consistent with the City's Future Land Use map.

There were no public comments.

Dell moved to adopt Ordinance #0-8-06 – Rezoning Request from Cam Williams to rezone 7.11 acres from C-3 Highway Commercial to O&I Office & Institutional, property located in Land lot 125 of the 5<sup>th</sup> District along Highway 54 West and Brandywine Blvd Extension. Price seconded the motion. The motion carried unanimously.

Mayor Steele called 2<sup>nd</sup> Reading on Proposed Ordinance #0-9-06 – Rezoning Request from Asa Candler to rezone 4.664 acres, from R-30 to C-1, property located at 600 Highway 54 West.

Eldridge Gunn, Director of Planning and Zoning stated, the applicant is revising his concept plan to address the issues discussed with City Council at the May 18, 2006 City Council meeting.

Therefore, staff respectfully requests that this item be tabled until the June 15<sup>th</sup> meeting.

White moved to table Proposed Ordinance #0-9-06 – Rezoning Request from Asa Candler to rezone 4.664 acres, from R-30 to C-1, property located at 600 Highway 54 West until the June 15, 2006 Meeting. Dell seconded the motion. The motion carried unanimously.

Mayor Steele called 2<sup>nd</sup> Reading on Proposed Ordinance #0-10-06 – Amendment to City of Fayetteville Zoning Ordinance (Sec. 94-164) Medical Office Zoning District.

Eldridge Gunn, Director of Planning and Zoning stated currently, the City’s zoning ordinance addresses the number of vehicular access within the Medical Office (MO) zoning district and states that in addition to the primary access, “Secondary means for vehicular ingress and egress to and from the MO district shall also be provided.” Also, there is a requirement that access points shall be limited to one curb cut every 500 feet. But in some instances, to meet both requirements may result in a practical difficulty or unnecessary hardship. In those instances, the Planning & Zoning Commission currently does not have the authority to address it through a variance as in the cases of height and size of structures, buffers, yard requirements, parking, etc. The proposed amendment to the MO zoning district would, under certain conditions, allow the Planning & Zoning to authorize a variance from the secondary road provision requirement.

The proposed amendment is to add language that will give the Planning and Zoning Commission the authority to grant variances from the required secondary access within MO districts. The MO district would be amended by adding the double-underlined language as follows:

(2) Secondary means for vehicular ingress and egress to and from the MO district shall also be provided, unless the Planning and Zoning Commission finds the required secondary access creates the conditions stated at 94-12(a)(3)(a-f) on the property required to maintain a secondary access in the MO zoning district. With such a finding, the Planning and Zoning Commission may authorize a variance from the secondary vehicle access requirement. The Planning and Zoning Commission may place any condition on such variance which will aid in the traffic flow, safety and general welfare on the property. Traffic control devices shall be installed at all secondary entrances.

The criteria for granting variances would not change. This change would just give the Commission the ability to review the necessity of a second entrance in particular cases within the Medical/Office zoning district.

Staff recommends approval.

At the April 25<sup>th</sup> meeting, the Planning and Zoning Commission recommended approval of the proposed amendment.

There were no Public comments.

Dell moved to adopt Ordinance #0-10-06 – Amendment to City of Fayetteville Zoning Ordinance (Sec. 94-164) Medical Office Zoning District. Brewer seconded the motion. The motion carried unanimously.

#### **Old Business:**

Steve Heaton, Police Chief presented Resolution R-6-06 Parade Routes and Fees.

Chief Heaton advised this would set fees associated with the different routes to defray the cost of police service associated with parades. He recommended approval of this Resolution.

White moved to adopt Resolution R-6-06 Parade Routes and Fees. Price seconded the motion. The motion carried unanimously.

#### **New Business:**

Rick Eastin, Director of Water and Sewer presented Wastewater Treatment Plant Control System Upgrade Bid Award.

Mr. Eastin advised the Water and Sewer staff has reviewed the bid packages submitted for control system improvements to our existing Waste Water Treatment Facility and find that the low bidder meets or exceeds all of the requirements of our bid specifications. This improvement will include upgrades to the existing control system that was installed in 1991 and will make it compatible with the computer based control system that will be utilized in the new plant. The funding for this project is available within our current Operating and Maintenance Budget.

Mr. Eastin recommended award of this bid to the low bidder, Control Instruments Inc., in the amount of \$80,771.00.

Dell moved to award bid to low bidder Control Instruments, Inc. in the amount of \$80,771.00 for Wastewater Treatment Plant Control System Upgrade. Price seconded the motion. The motion carried unanimously.

Joe Morton, City Manager presented an Intergovernmental Agreement between the City of Fayetteville and Fayette County for the Construction and Maintenance of the Redwine Multi-Use Path.

Mr. Morton stated this is an amended Intergovernmental Agreement between the City of Fayetteville and Fayette County for the Construction and Maintenance of the Redwine Multi-Use Path. The only substantive change in this agreement is that the City is required to contribute \$125,000 from its SPLOST funds towards this project. The remainder of the funding will come from a federal grant and the County SPLOST. The funding for this project was included in the FY 2006 amended budget.

Mr. Morton stated that staff recommends approval of this agreement.

Dell moved to approve Intergovernmental Agreement between the City of Fayetteville and Fayette County for the Construction and Maintenance of the Redwine Multi-Use Path. Brewer seconded the motion. The motion carried unanimously.

Mayor Steele called for approval of Consent Agenda:

Resolution R-7-06 – Petition to Quiet Title – Missouri Glass Property  
Lee Street TE Sidewalk Project – Memorandum of Understanding  
Items to be Declared Surplus

White moved to approve Consent Agenda. Dell seconded the motion. The motion carried unanimously.

### **City Manager and Staff Reports:**

Joe Morton, City Manager advised he sent a copy of a letter to Mayor and Council that he sent to Tinseltown today in reference to the Health Department issues. The city is working with the Health Department on these issues and they have been issued citations in conjunction with our Code Enforcement personnel. They are scheduled to appear in Municipal Court in June. Mr. Morton further advised that the letter states if they are not in compliance with the Health Department codes by that time he would recommend to Mayor and Council that some action as far as revocation of their business license be looked into.

### **City Council and Committee Reports:**

Councilman Oddo stated he met with Joe Morton a couple of weeks ago and reviewed the sewer and water increases, and it appears that the bond covenants does not allow for certain revenues to be considered in determining what the fee increase will be. He further stated that, unfortunately, the aggregate increase went up about eighteen and one half percent instead of fifteen percent which hopefully can be recovered through either paying off loans early or possibly maybe we do something in the budget like property tax rollback, but the way the bond covenant is structured that's why we have that increase that was recorded back several weeks ago.

Mayor Steele thanked Council Oddo for his comments and stated that with further meetings with council and everything it is commendable that you are now on board and recognize that the unfortunate or what we think is unfortunate rate increase for water and sewer was the most conservative and required increase that we needed to make. Thank you for your comments.

**Mayors Comments:**

Mayor Steele advised the City had a ribbon cutting for Patriot Park down on Redwine Road today and it is absolutely a wonderful addition to the City of Fayetteville. I made the comment at the time that that project and park would not have been possible if it had not been for the donations of property by Rolader and Sheffield Construction and Jeff Betsill Homes. They not only deeded the property over to the city but they actually did the construction of the park, landscaping, grading and everything else. We are extremely appreciative of them and the park is getting a great deal of use by both city and county residence.

Dell moved to adjourn the meeting. White seconded the motion. The motion carried unanimously.

Respectfully submitted,

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Judy Stephens, City Clerk